

1 GARY M. RESTAINO
2 United States Attorney
3 District of Arizona

4 DIMITRA H. SAMPSON
5 Arizona State Bar No. 019133
6 KEITH VERCAUTEREN
7 Arizona State Bar No. 013439
8 LINDSAY L. SHORT
9 Arizona State Bar No. 034125
10 Assistant U.S. Attorneys
11 Two Renaissance Square
12 40 N. Central Ave., Ste. 1800
13 Phoenix, Arizona 85004
14 Telephone: 602-514-7500
15 Email: Dimitra.sampson@usdoj.gov
16 Keith.vercauteren@usdoj.gov
17 Lindsay.short@usdoj.gov
18 Attorneys for Plaintiff

19 IN THE UNITED STATES DISTRICT COURT
20
21 FOR THE DISTRICT OF ARIZONA

22 United States of America,
23 Plaintiff,
24
25 vs.
26
27 Devonte Okeith Mathis,
28 Defendant.

29 CR-21-02714-001-TUC-RM (MSA)
30
31 GOVERNMENT'S MOTION TO EXTEND
32 COURT ORDER PREVENTING PIMA
33 COUNTY MEDICAL EXAMINER'S
34 OFFICE FROM RELEASING
35 DOCUMENTS

36 On November 5, 2021, the Court granted the United States' motion to preclude the
37 Pima County Medical Examiner's Office from releasing reports and other documents
38 created in connection with two autopsies relating to this case for a period of 180 days.
39 (Doc. 16.) That order is set to expire on May 4, 2022. The United States hereby moves to
40 extend the Court's prior order for an additional period of 180 days.

41 As the Court is aware, Defendant Devonte Okeith Mathis has been charged via
42 indictment with one count of conspiracy to possess with intent to distribute marijuana and
43 possession with intent to distribute marijuana based in part on events occurring in Tucson,
44 Arizona, on October 4, 2021, that resulted in the death of a Special Agent and another
45 individual, D. T. The Pima County Medical Examiner's Office performed autopsies on the

1 deceased individuals related to this investigation and produced reports and other
2 documentary evidence associated with these autopsies.

3 This case has received extensive media coverage. As the Court's prior Order
4 indicated, "discovery materials, like the reports and documents in question here, are not
5 'judicial records under federal law, and the public [therefore] has no presumptive right of
6 access to them.'" (Doc. 16 at 1) (quoting *United States v. Loughner*, 807 F. Supp. 2d 828,
7 834 (D. Ariz. 2011)). Further, the investigation into the death of the two individuals at issue
8 remains ongoing, and release of the autopsy reports may be detrimental to the best interests
9 of that investigation. In addition, it remains the case that any autopsy reports are evidence
10 of aspects of this case that may ultimately need to be resolved by a jury, such that
11 dissemination could taint the jury pool.

12 Undersigned counsel has informed counsel for the defendant of this motion, who
13 does not object to this motion.

14 Accordingly, the United States respectfully requests that the Court enter an order
15 restraining any member of the Pima County Medical Examiner's Office from releasing any
16 documents to include the official autopsy reports of the decedents in this case for an
17 additional period of 180 days.

18 Respectfully submitted this 2nd day of May, 2022.

19
20 GARY M. RESTAINO
United States Attorney
21 District of Arizona

22 s/ *Lindsay L. Short*
23 DIMITRA H. SAMPSON
24 KEITH VERCAUTEREN
LINDSAY L. SHORT
Assistant U.S. Attorneys

25 CERTIFICATE OF SERVICE

26 I hereby certify that on or about May 2, 2022, I electronically transmitted the
27 attached document to the Clerk's Office using the CM/ECF System for filing and
transmittal of a Notice of Electronic Filing to the following CM/ECF registrant(s):
Vicki A. Brambl and W. Eric Rau – Assistant Federal Public Defenders

28 *LLS/ceb*